UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,471	07/18/2003	Daniel Plastina	MS#303008.01 (5056)	4440

321   7590   08/13/2007
SENNIGER POWERS
ONE METROPOLITAN SQUARE
16TH FLOOR
ST LOUIS, MO 63102

EXAMINER
DEBROW, JAMES J

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
08/13/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

uspatents@senniger.com

	Application No.	Applicant(s)
Office Action Summary	10/623,471	PLASTINA ET AL.
	Examiner	Art Unit	
	James J. Debrow	2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>16 January 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-10,12-14,16,17,19-39,41-47,49 and 50* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,12-14,16,17,19-39,41-47,49 and 50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-SB/08)
   Paper No(s)/Mail Date <u>10/20/2006 & 6/8/2007</u>.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Amendment filled 16 Jan. 2007.

2.   Claims 1-10, 12-14, 16, 17, 19-39, 41-47, 49 and 50 are pending in this case.

Claims 1, 13, 26, 33 and 43 are independent claims.

Applicant's Response

3.   In Applicant's response dated 16 Jan. 2007, Applicant amended claims 1, 6, 13,

16, 17, 20, 26, 29, 33, 43 and 49; canceled claims 11, 15, 18, 40 and 48; argued

against all rejections previously set forth in the Office Action.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

5.   **Claims 1-10, 12, 33, 34, 36-39, 41 and 42 are rejected under 35 U.S.C. 103(a)**

as being unpatentable over Berkun et al. (Pub. No.: US 2002/0103920 A1; filed

6/8/2001) (hereinafter "Berkun") in view of Barker et al (Pub. No.: US 2002/0143976

A1; Filed: Mar. 7, 2002) (hereinafter "Barker"), further in view of Meyer et al. (Pub.

No.: US 2001/0031066 A1; Filed Jan. 26, 2000) (hereinafter "Meyer").

Regarding independent claim 1 and dependent claim 12, Berkun discloses

rendering media content in the media player [0023], [0030]-[0033]. Berkun discloses

receiving a trustworthiness rating corresponding to the return metadata in fig. 7, 11,

paragraphs [0046]-[0048], and [0074]-[0077]. The similarity score shown in fig. 7 and

described in paragraphs [0046]-[0048] is a trustworthiness rating. Berkun discloses

computer readable-media having computer-readable instructions in paragraphs [0023]-

[0028].

Berkun does not expressly disclose *generating an automatic request for*

metadata from a metadata provider in response to the media content being rendered in

the media player, said requested metadata to be associated with the rendered media

content;

receiving return metadata from the metadata provider in response to the

automatically generated request for metadata;

receiving one or more user-configurable reconciliation rules from a user;

performing an action specified by the reconciliation rules based on the received

trustworthiness rating.

Barker teaches *generating an automatic request for metadata from a metadata*

provider in response to the media content being rendered in the media player, said

requested metadata to be associated with the rendered media content ([0010]-[0012];

Barker teaches automatically requesting updated metadata from an asset provider.).

receiving return metadata from the metadata provider in response to the automatically generated request for metadata ([0010]-[0012]; Barker teaches the asset provider can send updated metadata to the one or more distribution end-points making the request.).

Therefore at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Berkun with Barker for the benefit of implementing updated metadata efficiently at specific endpoints, as specified by the content provider ([0007]).

Meyer teaches *receiving one or more user-configurable reconciliation rules from a user* ([0023]-[0025]; Meyer teaches context information which is provide by the user which is used by the server to look up related data. Meyer also teaches the server and players can adopt a set of rules which may be used to control what the player displayer displays to the user or how to render the content based on data returned from a server. Using the broadest reasonable interpretation, the Examiner concludes the context to include but not limited to configurable reconciliation rules.).

performing an action specified by the reconciliation rules ([0023]-[0025]; Meyer teaches the server or servers may perform actions in response context data. Meyer teaches the server and players can adopt a set of rules, which may be used to control what the player displayer displays to the user or how to render the content based on data returned from a server. Using the broadest reasonable interpretation, the Examiner concludes the context to include but not limited to configurable reconciliation rules.).

Therefore at the time of the invention, it would have been obvious to one of
ordinary skill in the art to combine Berkun in view of Barker with Meyer for the benefit of
linking media objects to metadata and actions via an identifier ([0012]).

Regarding dependent claim 2, Berkun discloses replacing an existing metadata
state with the received return metadata based on the received trustworthiness rating in
fig. 3, 10, and paragraphs [0070]-[0072].

Regarding dependent claim 3, Berkun discloses wherein the return metadata
comprises metadata determined by the metadata provider to be associated with the
media content in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072].

Regarding dependent claim 4, Berkun discloses wherein the received
trustworthiness rating in fig. 7 and paragraphs [0046]-[0048].

Regarding dependent claim 5, Berkun discloses wherein the trustworthiness
rating is a percentage in fig. 7 and paragraphs [0046]-[0048].

Regarding dependent claim 6, Berkun teaches in using a trustworthiness rating
to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048]

and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata.

Berkun in view of Barker does not specifically teach *prompting a user to review the return metadata based on the received trustworthiness rating*.

However, Meyer teaches *prompting a user to review the return metadata* ([0023]; Meyer teaches a server may return data that an audio player displays to a user. For example, the server can tell the player that the object contains inappropriate content and allow the user to make a decision about whether or how to play material based on this information.).

Therefore at the time of the invention, it would have been obvious to one of ordinary skill in the art to combine Berkun in view of Barker with Meyer for the benefit of linking media objects to metadata and actions via an identifier ([0012]).

Regarding dependent claim 7, Berkun discloses storing the return metadata with the media content based on the received trustworthiness rating in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072].

Regarding dependent claim 8, Berkun teaches the method of claim 1, wherein receiving the trustworthiness rating comprises:

receiving a plurality of trustworthiness ratings([0075]-[0077]; Berkun teaches a relevancy score which is based on several weighing criteria. A full text relevancy ranker is used to calculate the relevancy score as part of the workflow architecture. The

database is updated with the full-text relevancy ranked data and made available to all

agents/users. Berkun further teaches providing an indication to the search system of the

trustworthiness of the media data. The target search system uses the hierarchy of the

trustworthiness to conduct its search or pass the URLs on to the user.).

collectively displaying the received plurality of trustworthiness rating to a user

([0075]-[0077]; Berkun teaches a relevancy score which is based on several weighing

criteria. A full text relevancy ranker is used to calculate the relevancy score as part of

the workflow architecture. The database is updated with the full-text relevancy ranked

data and made available to all agents/users. Berkun further teaches providing an

indication to the search system of the trustworthiness of the media data. The target

search system uses the hierarchy of the trustworthiness to conduct its search or pass

the URLs on to the user. Thus Berkun teaches collectively displaying the received

plurality of trustworthiness rating to a user.).

Regarding dependent claim 9, Berkun discloses wherein the received

trustworthiness rating indicates that the return metadata matches the requested

metadata and storing the return metadata with the media content without intervention

from a user in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072].

Regarding dependent claim 10, Berkun teaches in using a trustworthiness

rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-

[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate

action depending on the trustworthiness of the metadata. Berkun teaches wherein the received trustworthiness rating indicates that the return metadata may not match the requested metadata in fig. 7 and paragraphs [0046]-[0048].

Berkun in view of Barker does not specifically teach *prompting a user to accept or reject the return data*.

However, Meyer teaches *prompting a user to accept or reject the return data* ([0023]; Meyer teaches a server may return data that an audio player displays to a user. For example, the server can tell the player that the object contains inappropriate content and allow the user to make a decision about whether or how to play material based on this information.).

Therefore at the time of the invention, it would have been obvious to one of ordinary skill in the art to combine Berkun in view of Barker with Meyer for the benefit of linking media objects to metadata and actions via an identifier ([0012]).

Regarding independent claim 33 and dependent claim 42, Berkun teaches rendering media content in the media player [0023], [0030]-[0033]. Berkun teaches performing an action on the metadata in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072]. Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata. Berkun teaches computer readable-media having computer-readable instructions in paragraphs [0023]-[0028].

displaying the received metadata to the user on the display ([0075]-[0077];

Berkun teaches the target search system uses the hierarchy of the trustworthiness to

conduct its search or pass the URLs on to the user. Thus displaying the received

metadata to the user on the display.).

receiving, from the metadata provider, a trustworthiness rating associated with

the received metadata ([0075]-[0077]; Berkun teaches a relevancy score which is based

on several weighting criteria. A full text relevancy ranker is used to calculate the

relevancy score as part of the workflow architecture. The database is updated with the

full-text relevancy ranked data and made available to all agents/users. Berkun further

teaches providing an indication to the search system of the trustworthiness of the media

data. The target search system uses the hierarchy of the trustworthiness to conduct its

search or pass the URLs on to the user.).

displaying the received trustworthiness rating to the user on the display ([0075]-

[0077]; Berkun teaches a relevancy score which is based on several weighting criteria.

A full text relevancy ranker is used to calculate the relevancy score as part of the

workflow architecture. The database is updated with the full-text relevancy ranked data

and made available to all agents/users. Berkun further teaches providing an indication

to the search system of the trustworthiness of the media data. The target search system

uses the hierarchy of the trustworthiness to conduct its search or pass the URLs on to

the user. Thus Berkun teaches displaying the received trustworthiness rating to a user.).

Berkun does not specifically teach *receiving metadata automatically matched to*

the rendered media content from a metadata provider in response to the media content

being rendered in the media player.

receiving a selection request form the user via the user interface selection

device, the selection request specifying the acceptance or rejection of the displayed

metadata by the user based on the received trustworthiness rating associated with the

displayed metadata.

Barker teaches *receiving metadata automatically matched to the rendered media*

content from a metadata provider in response to the media content being rendered in

the media player (0036-0037; 50 & 60 Fig. 1; Barker teaches a receiver at the endpoint

can receive the asset bundle *(media content)* from the asset provider and can route it to

an asset manager.).

Therefore at the time of the invention it would have been obvious to a person of

ordinary skill in the art to combine Berkun with Barker for the benefit of implementing

updated metadata efficiently at specific endpoints, as specified by the content provider

(0007).

Meyer teaches *receiving a selection request form the user via the user interface*

selection device, the selection request specifying the acceptance or rejection of the

displayed metadata by the user ([0023]-[0024]; Meyer teaches a server may return data

that an audio player displays to a user. For example, the server can tell the player that

the object contains inappropriate content and allow the user to make a decision about

whether or how to play material based on this information.).

Therefore at the time of the invention, it would have been obvious to one of

ordinary skill in the art to combine Berkun in view of Barker with Meyer for the benefit of

linking media objects to metadata and actions via an identifier ([0012]).

Regarding dependent claim 34, Berkun teaches in using a trustworthiness

rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-

[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate

action depending on the trustworthiness of the metadata.

Berkun in view of Barker does not specifically teach *wherein the selection*

request specifies rejection of the received metadata, and wherein the selection request

further comprises a request from the user to edit the received metadata.

However, Meyer teaches *the selection request specifies rejection of the received*

metadata, and wherein the selection request further comprises a request from the user

to edit the received metadata ([0023]-[0024]; Meyer teaches a server may return data

that an audio player displays to a user. For example, the server can tell the player that

the object contains inappropriate content and allow the user to make a decision about

whether or how to play material based on this information. Using the broadest

reasonable interpretation the examiner concludes at the time of the invention, the user

could make a decision/rule to reject of the received metadata or a decision/rule to edit

the received metadata.).

Therefore at the time of the invention, it would have been obvious to one of ordinary skill in the art to combine Berkun in view of Barker with Meyer for the benefit of linking media objects to metadata and actions via an identifier ([0012]).

Regarding dependent claim 36, Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata.

Berkun in view of Barker does not specifically teach *wherein the selection request specifies rejection of the received metadata, and wherein the selection request further comprises a request from the user to discard the received metadata.*

However, Meyer teaches *the selection request specifies rejection of the received metadata, and wherein the selection request further comprises a request from the user to edit the received metadata* ([0023]-[0024]; Meyer teaches a server may return data that an audio player displays to a user. For example, the server can tell the player that the object contains inappropriate content and allow the user to make a decision about whether or how to play material based on this information. Using the broadest reasonable interpretation the examiner concludes at the time of the invention, the user could make a decision/rule to reject of the received metadata or a decision/rule to discard the received metadata.).

Therefore at the time of the invention, it would have been obvious to one of

ordinary skill in the art to combine Berkun in view of Barker with Meyer for the benefit of

linking media objects to metadata and actions via an identifier ([0012]).

Regarding dependent claim 37, Berkun teaches in using a trustworthiness

rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-

[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate

action depending on the trustworthiness of the metadata.

Berkun in view of Barker does not specifically teach *wherein the selection*

request specifies rejection of the received metadata, and wherein the selection request

further comprises a request from the user to search for additional metadata for the

media content.

However, Meyer teaches *wherein the selection request specifies rejection of the*

received metadata, and wherein the selection request further comprises a request from

the user to search for additional metadata for the media content ([0023]-[0024]; Meyer

teaches a server may return data that an audio player displays to a user. For example,

the server can tell the player that the object contains inappropriate content and allow the

user to make a decision about whether or how to play material based on this

information. Using the broadest reasonable interpretation the examiner concludes at the

time of the invention, the user could make a decision/rule to reject of the received

metadata or a decision/rule to search for additional metadata for the media content.).

Therefore at the time of the invention, it would have been obvious to one of

ordinary skill in the art to combine Berkun in view of Barker with Meyer for the benefit of

linking media objects to metadata and actions via an identifier ([0012]).

Regarding dependent claim 38, Berkun teaches in using a trustworthiness

rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-

[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate

action depending on the trustworthiness of the metadata.

Berkun in view of Barker does not specifically teach *wherein the selection*

request specifies acceptance of the received metadata, and wherein the selection

request further comprises a request from the user to apply the received metadata by

storing the received metadata with the media content.

However, Meyer teaches *wherein the selection request specifies acceptance of*

the received metadata, and wherein the selection request further comprises a request

from the user to apply the received metadata by storing the received metadata with the

media content ([0023]-[0024]; Meyer teaches a server may return data that an audio

player displays to a user. For example, the server can tell the player that the object

contains inappropriate content and allow the user to make a decision about whether or

how to play material based on this information. Using the broadest reasonable

interpretation the examiner concludes at the time of the invention, the user could make

a decision/rule that specifies acceptance of the received metadata, or a decision/rule to

store the received metadata with the media content.).

Therefore at the time of the invention, it would have been obvious to one of

ordinary skill in the art to combine Berkun in view of Barker with Meyer for the benefit of

linking media objects to metadata and actions via an identifier ([0012]).

Regarding dependent claim 39, Berkun teaches storing the received metadata

in a cache in paragraph [0036].

Regarding dependent claim 41, Berkun teaches receiving one or more

reconciliation rules from a user, the reconciliation rules specifying an action to perform

in response to the received trustworthiness rating in fig. 3, 7, 10, paragraphs [0046]-

[0048] and [0070]-[0072]. In Berkun, a threshold is defined and the metadata addition is

determined based on the threshold.

Berkun in view or Barker does not specifically teach *displaying the one or more*

reconciliation rules on the display for selection by a user via the user interface selection

device.

Meyer teaches *displaying the one or more reconciliation rules on the display for*

selection by a user via the user interface selection device ([0023]-[0025]; Meyer teaches

context information which is provide by the user which is used by the server to look up

related data. Meyer also teaches the server and players can adopt a set of rules which

may be used to control what the player displayer displays to the user or how to render

the content based on data returned from a server. Using the broadest reasonable

interpretation, the Examiner concludes the context to include but not limited to

configurable reconciliation rules.).

Therefore at the time of the invention, it would have been obvious to one of

ordinary skill in the art to combine Berkun in view of Barker with Meyer for the benefit of

linking media objects to metadata and actions via an identifier ([0012]).

6.   It is noted that any citations to specific, pages, columns, lines, or figures in the

prior art references and any interpretation of the reference should not be considered to

be limiting in any way. A reference is relevant for all it contains and may be relied upon

for all that it would have reasonably suggested to one having ordinary skill in the art.

See MPEP 2123.

7.   **Claims 13, 14, 16, 17, 19, 23, 24 and 29 are rejected under 35 U.S.C. 103(a)
as being unpatentable over Berkun in view of Meyer.**

Regarding independent claim 13 and dependent claim 25, Berkun teaches

receiving a trustworthiness rating corresponding to the received items of metadata

(0075-0077; Berkun teaches a relevancy score which is based on several weighing

criteria. A full text relevancy ranker is used to calculate the relevancy score as part of

the workflow architecture. The database is updated with the full-text relevancy ranked

data and made available to all agents/users. Berkun further teaches providing an

indication to the search system of the trustworthiness of the media data. The target

search system uses the hierarchy of the trustworthiness to conduct its search or pass

the URLs on to the user. Berkun discloses computer readable-media having computer-

readable instructions in paragraphs [0023]-[0028].).

Berkun does not expressly disclose a *method of managing a plurality of*

metadata states, said plurality of metadata states including one metadata state and

another metadata state, each of said metadata states comprising one or more items of

metadata automatically matched to media content in response to the media content

being rendered by a media player, said method comprising:

receiving items of metadata associated with the other metadata state from a

metadata provider, said metadata provider providing the items of metadata associated

with the other metadata state that are determined to be relevant to the media content;

receiving a request from a user to replace the one metadata state with the other

metadata state;

replacing each set of metadata items associated with the one metadata state

with a corresponding set of metadata items associated with the other metadata state in

response to the received request and as a user-configurable function of the received

trustworthiness rating.

Meyer teaches *receiving items of metadata associated with the other metadata*

state from a metadata provider, said metadata provider providing the items of metadata

associated with the other metadata state that are determined to be relevant to the

media content ([0057]; [0065]; Meyer teaches the user selecting information to associate with a media object. The server provides an embedding service to embed an identifier into a media object. Meyer also teaches time-stamp metadata to inform the user when the metadata was captured. The user then selects one or more of the item to send to the server for more information or related actions. Using the broadest reasonable interpretation, the Examiner concludes that Meyer suggest metadata different metadata states via the teaching of time-stamp metadata.).

receiving a request from a user to replace the one metadata state with the other metadata state ([0023]; Meyer teaches a server may return data that an audio player displays to a user. For example, the server can tell the player that the object contains inappropriate content and allow the user to make a decision about whether or how to play material based on this information. Using the broadest reasonable interpretation the examiner concludes at the time of the invention, the user could make a decision to replace the one metadata state with the other metadata state.).

replacing each set of metadata items associated with the one metadata state with a corresponding set of metadata items associated with the other metadata state in response to the received request and as a user-configurable function of the received trustworthiness rating ([0023]; Meyer teaches a server may return data that an audio player displays to a user. For example, the server can tell the player that the object contains inappropriate content and allow the user to make a decision about whether or how to play material based on this information. Using the broadest reasonable interpretation the examiner concludes the user could make a decision replace each set

of metadata items associated with the one metadata state with a corresponding set of

metadata items associated with the other metadata state in response to the received

request and as a user-configurable function of the received trustworthiness rating.).

Therefore at the time of the invention, it would have been obvious to one of

ordinary skill in the art to combine Berkun in view of Barker with Meyer for the benefit of

linking media objects to metadata and actions via an identifier ([0012]).

Regarding dependent claim 14, Berkun discloses wherein each item of

metadata comprises a value specific to the media content in fig. 7, 11 and paragraphs

[0046]-[0048], [0076], and [0077].

Regarding dependent claim 16, Berkun teaches in using a trustworthiness

rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-

[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate

action depending on the trustworthiness of the metadata.

Berkun does not specifically teach displaying the received items of metadata to

the user for review.

However, Meyer teaches *displaying the received items of metadata to the user*

for review ([0023]; Meyer teaches a server may return data that an audio player displays

to a user. For example, the server can tell the player that the object contains

inappropriate content and allow the user to make a decision about whether or how to

play material based on this information.).

Therefore at the time of the invention, it would have been obvious to one of

ordinary skill in the art to combine Berkun with Meyer for the benefit of linking media

objects to metadata and actions via an identifier ([0012]).

Regarding dependent claim 17, Berkun discloses storing the received items of

metadata in a file storing the media content in fig. 3, 7, 10, paragraphs [0046]-[0048]

and [0070]-[0072].

Regarding dependent claim 19, Berkun discloses wherein the items of

metadata associated with the one metadata state are stored in a file along with the

media content in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072].

Regarding dependent claim 23, Berkun discloses replacing a single item of

metadata in paragraphs [0032], [0033], and [0042].

Regarding dependent claim 24, Berkun discloses wherein the other metadata

state lacks metadata, and wherein replacing each set of metadata items comprises

removing all metadata from the media content in fig. 3 and paragraphs [0032], [0033],

and [0042]

Regarding dependent claim 29, Berkun teaches in using a trustworthiness

rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-

[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate

action depending on the trustworthiness of the metadata.

Berkun does not specifically teach *displaying, to a user for review based on a*

received trustworthiness rating, the metadata received via a communications request.

However, Meyer teaches *displaying, to a user for review based on a received*

trustworthiness rating, the metadata received via a communications request ([0023];

Meyer teaches a server may return data that an audio player displays to a user. For

example, the server can tell the player that the object contains inappropriate content

and allow the user to make a decision about whether or how to play material based on

this information.).

Therefore at the time of the invention, it would have been obvious to one of

ordinary skill in the art to combine Berkun with Meyer for the benefit of linking media

objects to metadata and actions via an identifier ([0012]).

8.   It is noted that any citations to specific, pages, columns, lines, or figures in the

prior art references and any interpretation of the reference should not be considered to

be limiting in any way. A reference is relevant for all it contains and may be relied upon

for all that it would have reasonably suggested to one having ordinary skill in the art.

See MPEP 2123.

9.   **Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable**

over Berkun in view of Barker.

Regarding independent claim 26, Berkun discloses the communications component further receiving a trustworthiness rating associated with the received metadata in fig. 7, 11, paragraphs [0046]-[0048], and [0074]-[0077]. The similarity score shown in fig. 7 and described in paragraphs [0046]-[0048] is a trustworthiness rating. Berkun discloses an authoring module for selectively applying the received metadata to the media content based on a trustworthiness rating received via the communications component, wherein said authoring module is user-configurable to selectively apply the received metadata to the media content in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072].

Berkun does not expressly disclose *a communications component for receiving metadata automatically matched to the media content being rendered in response to the media content being rendered.*

However, Barker teaches *a communications component for receiving metadata automatically matched to the media content being rendered in response to the media content being rendered.* (0036-0037; 50 & 60 Fig. 1; Barker teaches a receiver at the endpoint can receive the asset bundle *(media content)* from the asset provider and can route it to an asset manager.).

Therefore at the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Berkun with Barker for the benefit of implementing updated metadata efficiently at specific endpoints, as specified by the content provider (0007).

Regarding dependent claim 27, Berkun discloses wherein the authoring

module applies the received metadata by replacing each item of metadata associated

with one metadata state with a corresponding item of the received metadata associated

with another metadata state in fig. 3, 10, paragraphs [0032], [0033], and [0070]-[0072].

Regarding dependent claim 28, Berkun discloses wherein the communications

component further receives a request from a user to store the received metadata with

the media content in fig. 1, 3, 11, paragraphs [0032], [0033], [0076], and [0077].

10.   It is noted that any citations to specific, pages, columns, lines, or figures in the

prior art references and any interpretation of the reference should not be considered to

be limiting in any way. A reference is relevant for all it contains and may be relied upon

for all that it would have reasonably suggested to one having ordinary skill in the art.

See MPEP 2123.

11.   **Claims 43-47, 49 and 50 are rejected under 35 U.S.C. 103(a) as being**

unpatentable over Berkun.

Regarding independent claim 43, Berkun discloses one or more data fields,

each of the data fields displaying a metadata value associated with the metadata item in

fig. 3, 11, and paragraphs [0073]-[0075]. Berkun discloses a selection field for receiving

a command from a user, the command selecting one or more of the metadata values

form the data fields for association with the metadata item and storage with the media

content in fig. 3, 11, and paragraphs [0073]-[0075]. Berkun discloses a query field for

receiving a search term from the user, the search term describing the media content

and enabling determination of another metadata value relevant to the media item based

on the received search term in fig. 3, 11, and paragraphs [0076] and [0077].

Berkun does not expressly disclose *a rating field displaying a trustworthiness*

rating association with the metadata value for each of the data fields.

the command selecting based on the corresponding trustworthiness rating

displayed in the rating field.

However Berkun discloses metadata with individual field, i.e. a URL has ten

fields. Berkun also discloses a relevancy score, which is based upon several weighting

criteria. Berkin further discloses a hierarchy of trustworthiness is provided to conduct a

search or to pass the URL on to the user. Using the broadest reasonable interpretation,

the Examiner concludes that the relevancy score could have been stored within at least

one metadata field [0073]-[0077].

At the time of the invention, it would have been obvious to one of ordinary skill in

the art to modify Berkin teachings to store the relevancy score of the metadata,

indicating the trustworthiness of the metadata, in at least metadata field.

Regarding dependent claim 44, Berkun discloses wherein at least one of the

metadata values in the plurality of data fields is selected automatically based on a

trustworthiness rating associated with the at least one metadata value in fig. 3, 7, 10,

paragraphs [0046]-[0048] and [0070]-[0072].

Regarding dependent claim 45, Berkun teaches in using a trustworthiness

rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-

[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate

action depending on the trustworthiness of the metadata.

Berkun does not specifically teach wherein the selection field comprises a

plurality of checkboxes, each of the checkboxes being associated with one of the

plurality of data fields.

However, it would have been obvious to one of ordinary skill in the art at the time

the invention was made to have modified Berkun to have created the claimed invention.

It would have been obvious and desirable to have modified Berkun to have used

checkboxes to have selected the data fields displaying metadata values in view of the

way search engines at the time of the invention provide content to users.

At the time of the invention, a search engine provides a rank ordered list of hits

and prompts the user to review the list and make the final selection of content. In

similar fashion, instead of automatically deciding to include or exclude metadata based

on a threshold, Berkun would have been modified to have prompted users to have

reviewed metadata near the threshold so that the final decision on the inclusion or

exclusion of the metadata enhancement would have been provided by the user.

Regarding dependent claim 46, Berkun teaches in using a trustworthiness rating to determine the relevance of metadata in fig. 3, 7, 10, 11, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is used to determine the appropriate action depending on the trustworthiness of the metadata.

Berkun does not specifically teach wherein the selection field comprises a button that indicates acceptance of the selected metadata value.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Berkun to have created the claimed invention. It would have been obvious and desirable to have modified Berkun to have used a button that indicated the acceptance of a selected metadata value in view of the way search engines at the time of the invention provide content to users.

At the time of the invention, a search engine provides a rank ordered list of hits and prompts the user to review the list and make the final selection of content. In similar fashion, instead of automatically deciding to include or exclude metadata based on a threshold, Berkun would have been modified to have prompted users to have reviewed metadata near the threshold so that the final decision on the inclusion or exclusion of the metadata enhancement would have been provided by the user.

Regarding dependent claim 47, Berkun discloses wherein the metadata item comprises at least one of an album title, an artist name, a song title, a genre, a composer name, a track number, a studio, a director, and a rating in paragraph [0025].

Regarding dependent claim 49, Berkun teaches a reconciliation field for displaying one or more reconciliation rules for selection by a user, each of the reconciliation rules specifying an action to perform in response to the trustworthiness rating in fig. 3, 7, 10, paragraphs [0046]-[0048] and [0070]-[0072]. In Berkun, a threshold is defined and the metadata addition is determined based on the threshold.

Regarding dependent claim 50, Berkun discloses a display device in paragraph [0028].

12.   It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the reference should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

13.   **Claims 20-22, 30-32, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berkun, in view of Barker, and further in view of Senator et al. (US 5,761,677 patented 6/2/1998) (hereinafter "Senator").**

Regarding dependent claim 20, Berkun, in view of Barker, does not teach *maintaining a history data structure in a file storing the media content, the history data structure storing the other metadata state.*

Senator teach *a history data structure in a file, the history data structure storing*

an other metadata state in fig. 1A, 1C, col. 3 lines 35-51, col. 3 line 64 – col. 4 line 6.

Therefore at the time of the invention it would have been obvious to one of

ordinary skill in the art to combine Berkun, in view of Barker, with Senator for the benefit

of providing various versions of a file without the need to keep separate data logs/files

(col. 2, lines 13-27).

Regarding dependent claim 21, Berkun, in view of Barker, does not teach

replacing each set of metadata items associated with the one metadata state with a

corresponding set of metadata items stored in the history data structure.

Senator does teach replacing each set of metadata items associated with the

one metadata state with a corresponding set of metadata items stored in the history

data structure in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6.

Therefore at the time of the invention it would have been obvious to one of

ordinary skill in the art to combine Berkun, in view of Barker, with Senator for the benefit

of providing various versions of a file without the need to keep separate data logs/files

(col. 2, lines 13-27).

Regarding dependent claim 22, Berkun, in view of Barker, does not teach

wherein the history data structure defines an empty metadata state for the media

content and wherein replacing each set of metadata items comprises replacing each set

of metadata items associated with the one metadata state with a null value from the

empty metadata state.

However, Senator does teach wherein the history data structure defines an

empty metadata state for a file and wherein replacing each set of metadata items

comprises replacing each set of metadata items associated with the one metadata state

with a null value from the empty metadata state in fig. 1A, 1C, col. 3 lines 35-51, and

col. 3 line 64 – col. 4 line 6.

Therefore at the time of the invention it would have been obvious to one of

ordinary skill in the art to combine Berkun, in view of Barker, with Senator for the benefit

of providing various versions of a file without the need to keep separate data logs/files

(col. 2, lines 13-27).

Regarding dependent claim 30, Berkun, in view of Barker, does not teach a

rollback module for maintaining a history data structure in the file, the history data

structure storing the received metadata along with a previous metadata state associated

with the media content.

However, Senator does teach a rollback module for maintaining a history data

structure in a file, the history data structure storing the received metadata along with a

previous metadata state associated with the file in fig. 1A, 1C, col. 3 lines 35-51, and

col. 3 line 64 – col. 4 line 6.

Therefore at the time of the invention it would have been obvious to one of

ordinary skill in the art to combine Berkun, in view of Barker, with Senator for the benefit

of providing various versions of a file without the need to keep separate data logs/files

(col. 2, lines 13-27).

Regarding dependent claim 31, Berkun, in view of Barker, does not teach

wherein the authoring module replaces each item of metadata associated with one

metadata state with a corresponding item of metadata from another metadata state

maintained in the history data structure by the rollback module.

However, Senator does teach wherein an authoring module replaces each item

of metadata associated with one metadata state with a corresponding item of metadata

from another metadata state maintained in the history data structure by the rollback

module in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6.

Therefore at the time of the invention it would have been obvious to one of

ordinary skill in the art to combine Berkun, in view of Barker, with Senator for the benefit

of providing various versions of a file without the need to keep separate data logs/files

(col. 2, lines 13-27).

Regarding dependent claim 32, Berkun, in view of Barker, does not teach

wherein the history data structure defines an empty metadata state for the media

content and wherein the authoring module replaces each item of metadata associated

with the one metadata state with a null value from the empty metadata state.

However, Senator does teach wherein the history data structure defines an

empty metadata state for a file and wherein the authoring module replaces each item of

metadata associated with the one metadata state with a null value from the empty

metadata state in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6.

Therefore at the time of the invention it would have been obvious to one of

ordinary skill in the art to combine Berkun, in view of Barker, with Senator for the benefit

of providing various versions of a file without the need to keep separate data logs/files

(col. 2, lines 13-27).

Regarding dependent claim 35, Berkun, in view of Barker, does not teach a

request from the user to restore previously received metadata.

However, Senator does teach a request by a user to restore previously received

metadata in fig. 1A, 1C, col. 3 lines 35-51, and col. 3 line 64 – col. 4 line 6.

Therefore at the time of the invention it would have been obvious to one of

ordinary skill in the art to combine Berkun, in view of Barker, with Senator for the benefit

of providing various versions of a file without the need to keep separate data logs/files

(col. 2, lines 13-27).

14.   It is noted that any citations to specific, pages, columns, lines, or figures in the

prior art references and any interpretation of the reference should not be considered to

be limiting in any way. A reference is relevant for all it contains and may be relied upon

for all that it would have reasonably suggested to one having ordinary skill in the art.

See, MPEP 2123.

Response to Arguments

15.   Applicant's arguments have been considered but are moot in view of the new

ground(s) of rejection. A new ground(s) of rejection is made in view of Meyer.

Applicant argues *Senator teaches away from the present invention by disclosing*

storage of the previous file versions as separate files.

The Examiner disagrees.

Senator teaches a data structure for storing various versions of metadata files.

The structure contains index nodes to store the different versions of the metadata file.

Applicant interprets Senator reference "previous version of a file" to indicate a separate

file, wherein the Examiner interprets it as referencing the previous inode of the data

structure (col. 3, line 52-col 5, line 59). At the time of the invention, it was commonly

known that data structure containing file version information is typically stored in the file

storing the media content. Applicant acknowledges this as stated in the background of

the current invention. Applicant discloses metadata for a digital media file such as an

audio file includes general information pertaining to the media file itself. This information

is typically stored within the file [0003].

Applicant argues Senator cites nothing that discloses or suggests replacing or

restoring metadata, a rollback module, or an authoring module.

The Examiner disagrees.

Senator teaches a ROLLBACK module that restores a previous version of a file (col. 3, lines 64-64; col. 5, line 60- col. 6, line 9).

Conclusion

16.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James J. Debrow whose telephone number is 571-272-5768. The examiner can normally be reached on 8:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Doug Hutton can be reached on 571-272-4137. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

JAMES DEBROW
EXAMINER
ART UNIT 2176

WILLIAM BASHORE
PRIMARY EXAMINER